

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

FRED GORDON, et al.,

Plaintiffs,

Case No. 12-13724

v.

HON. GEORGE CARAM STEEH

JOHN URBAHNS,

Defendant.

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ORDER DENYING MOTION TO DISMISS (#12) AS MOOT

On August 22, 2012, plaintiffs filed this action against defendant alleging breach of fiduciary duty, breach of contract, contribution, and violations of Michigan statutes. On October 8, 2012, defendant filed a motion to dismiss. On October 29, 2012, plaintiffs filed an amended complaint. Federal Rule of Civil Procedure 15(a)(1)(B) allows a plaintiff to amend her complaint without leave within twenty-one days after service of a motion under Rule 12(b). The court believes the pending motion to dismiss is moot in light of the new pleading. Defendant may file a new motion within the applicable time limit. Accordingly,

IT IS HEREBY ORDERED that defendant's motion to dismiss is DENIED without prejudice as moot.

Dated: November 7, 2012

s/George Caram Steeh

GEORGE CARAM STEEH

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on  
November 7, 2012, by electronic and/or ordinary mail.

s/Marcia Beauchemin

Deputy Clerk